

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVE RAYMOND LYONS,

Petitioner,

vs.

DAVID JAMROG,

Respondent.

Case No. 1:03-CV-328

Hon. David W. McKeague

ORDER

This matter is before the court on petitioner's motion to “stay” the Report and Recommendation so that petitioner may file a motion to amend his habeas petition (docket no. 31). The undersigned has recommended that the petition be denied. In his December 6, 2004 “letter motion” requesting a stay, petitioner states his intent to file an amended habeas petition, that a motion to amend will be filed instanter (“just as soon as my copies are made”), and that he will file objections to the report and recommendation “[i]f the motion to amend is denied.” The deadline for filing objections is set by statute, not by petitioner. *See* 28 U.S.C. § 636(b)(1) (“[w]ithin ten days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court”). Petitioner’s expressed intent to file an amended petition is not grounds for staying the report and recommendation or issuing an indeterminate extension to file objections. Accordingly, petitioner’s motion is DENIED.

IT IS SO ORDERED.

Dated: May 13, 2005

/s/ Hugh W. Brenneman, Jr.

Hugh W. Brenneman, Jr.

United States Magistrate Judge